



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/607,798	06/30/2000	David L. Tobler	3376548005US	1161

25096 7590 03/25/2004

PERKINS COIE LLP
PATENT-SEA
P.O. BOX 1247
SEATTLE, WA 98111-1247

EXAMINER

THANGAVELU, KANDASAMY

ART UNIT	PAPER NUMBER
----------	--------------

2123

DATE MAILED: 03/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/607,798

Applicant(s)

TOBLER, DAVID L.

Examiner

Kandasamy Thangavelu

Art Unit

2123

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 June 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Introduction

1. Claims 1-33 of the application have been examined.

Drawings

2. The drawings are objected to; see a copy of Form PTO-948 for an explanation.

Claim Objections

3. The following is a quotation of 37 C.F.R § 1.75 (d)(1):

The claim or claims must conform to the invention as set forth in the remainder of the specification and terms and phrases in the claims must find clear support or antecedent basis in the description so that the meaning of the terms in the claims may be ascertainable by reference to the description.

4. Claims 16-19 are objected to because of the following informalities:

Claim 16, Lines 2-4, "sending a second request from the prospective client system after receiving the simulated control window, the second request being a request to receive a first systems manager page of a first demonstration component of the simulated control window" appears to be incorrect, since the request is sent to the virtual server; it appears that it should be "sending a second request from the

Art Unit: 2123

prospective client system after receiving the simulated control window, the second request being a request to send a first systems manager page of a first demonstration component of the simulated control window".

Claim 16, Lines 5-6, "displaying the first systems manager page at the prospective client system in response to the second request" appears to be incorrect, since the displaying is done after receipt of the first systems manager page; it appears that it should be "displaying the first systems manager page at the prospective client system in response to the receipt of the first systems manager page".

Claim 17, Lines 2-4, "sending a second request from the prospective client system after receiving the simulated control window, the second request being a request to receive a first systems manager page of a first demonstration component of the simulated control window" appears to be incorrect, since the request is sent to the virtual server; it appears that it should be "sending a second request from the prospective client system after receiving the simulated control window, the second request being a request to send a first systems manager page of a first demonstration component of the simulated control window".

Claim 17, Lines 5-6, "displaying the first systems manager page at the prospective client system in response to the second request" appears to be incorrect, since the displaying is done after receipt of the first systems manager page; it appears that it should be "displaying the first systems manager page at the prospective client system in response to the receipt of the first systems manager page".

Claim 18, Lines 2-4, "sending a second request from the prospective client system after receiving the simulated control window, the second request being a request to receive a first systems manager page of a first demonstration component of the simulated control window" appears to be incorrect, since the request is sent to the virtual server; it appears that it should be "sending a second request from the prospective client system after receiving the simulated control window, the second request being a request to send a first systems manager page of a first demonstration component of the simulated control window".

Claim 18, Lines 5-6, "displaying the first systems manager page at the prospective client system in response to the second request" appears to be incorrect, since the displaying is done after receipt of the first systems manager page; it appears that it should be "displaying the first systems manager page at the prospective client system in response to the receipt of the first systems manager page".

Claim 19, Lines 10-11, "displaying a selected systems manager page at the prospective client system in response to the second request" appears to be incorrect, since the displaying is done after receipt of the selected systems manager page; it appears that it should be "displaying a selected systems manager page at the prospective client system in response to the receipt of the selected systems manager page".

Art Unit: 2123

Appropriate corrections are required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

6. Claims 1-4, 9-13, 15-18 and 33 are rejected under 35 U.S.C. § 102(e) as being anticipated by Ludovici et al. (LU) (U.S. Patent 6,567,849).

6.1 LU teaches system and method for configuring and administering multiple instances of web servers. Specifically, as per claim 1, LU teaches a method of demonstrating a virtual server service that provides use of a host server to a plurality of clients over a computer network (Abstract, CL1, L18-23); the method comprising:

receiving an active request from an active client to send an active control window of an active account of the virtual server service from the host server to an active client system (Fig. 5; CL2, L51-57);

Art Unit: 2123

receiving a first request at the host server from a prospective client to demonstrate the virtual server service (Fig 3, Item 360; Fig. 5); and

under control of the host server, sending a simulated control window of the virtual server service to the prospective client system in response to the first request (Fig 7; Fig. 8; CL2, L28-31),

the simulated control window having a plurality of demonstration components that simulate corresponding system administration components of the active control window of the virtual server service (Fig 3; Fig. 8).

Per Claim 2: LU teaches receiving a second request from the prospective client system after sending the simulated control window, the second request being a request to send a first systems manager page of a first demonstration component of the simulated control window (Fig. 7, Item 352; Fig. 8; CL22, L53-57; CL27, L11-14);

sending the first systems manager page via the host server system to the prospective client system in response to the second request (Fig. 8; CL27, L11-14; Fig. 9; CL28, L22-29),

the first systems manager page having at least one first element that can be selected by the prospective client to request that the host server system send another web page related to the first systems manager page (CL27, L15-19; Fig. 9; CL28, L22-29).

Per Claim 3: LU teaches receiving a second request from the prospective client system after sending the simulated control window, the second request being a request to send a first

Art Unit: 2123

systems manager page of a first demonstration component of the simulated control window (Fig. 7, Item 352; Fig. 8; CL22, L53-57; CL27, L11-14);

 sending the first systems manager page via the host server system to the prospective client system in response to the second request (Fig. 8; CL27, L11-14; Fig. 9; CL28, L22-29),

 the first systems manager page having at least one input field that the prospective client can input a hypothetical value for configuring the virtual server service (Fig. 9; Item 386).

Per Claim 4: LU teaches receiving a second request from the prospective client system after sending the simulated control window, the second request being a request to send a first systems manager page of a first demonstration component of the simulated control window (Fig. 7, Item 352; Fig. 8; CL22, L53-57; CL27, L11-14);

 sending the first systems manager page via the host server system to the prospective client system in response to the second request (Fig. 8; CL27, L11-14; Fig. 9; CL28, L22-29),

 the first systems manager page having at least one pull down menu having a plurality a choices from which the prospective client can select a hypothetical value for configuring the virtual server service (Fig. 10; Item 402; Fig. 11, Item 424).

6.2 As per claim 9, LU teaches a method of demonstrating a service that provides a computerized transaction to a plurality of clients via a server system coupled to a computer network (Abstract, CL1, L18-23); the method comprising:

 receiving a first request from a prospective client via a prospective client system to demonstrate the computerized transaction (Fig 3, Item 360; Fig. 5); and

Art Unit: 2123

sending a simulated client interface to the client system via the server system in response to the first request (Fig 7; Fig. 8; CL2, L28-31),

the simulated client interface having a plurality of demonstration components that simulate corresponding transaction components of an active client interface of the computerized service (Fig 3; Fig. 8).

Per Claim 10: LU teaches that the computerized transaction is providing a virtual server service via a host server system (Abstract, CL1, L18-23); , and wherein:

receiving a first request comprises receiving a request to demonstrate the virtual server service (Fig 3, Item 360; Fig. 5); and

sending a simulated client interface comprises sending a simulated control window of the virtual server service via a host server system (Fig 7; Fig. 8; CL2, L28-31),

the simulated control window having a plurality of demonstration components that simulate corresponding system administration components of an active control window of the virtual server service (Fig 3; Fig. 8).

Per Claim 11: LU teaches receiving a second request from the prospective client system after sending the simulated control window, the second request being a request to send a first systems manager page of a first demonstration component of the simulated control window (Fig. 7, Item 352; Fig. 8; CL22, L53-57; CL27, L11-14);

sending the first systems manager page via the host server system to the prospective client system in response to the second request (Fig. 8; CL27, L11-14; Fig. 9; CL28, L22-29),

the first systems manager page having at least one first element that can be selected by the prospective client to request that the host server system send another web page related to the first systems manager page (CL27, L15-19; Fig. 9; CL28, L22-29).

Per Claim 12: LU teaches receiving a second request from the prospective client system after sending the simulated control window, the second request being a request to send a first systems manager page of a first demonstration component of the simulated control window (Fig. 7, Item 352; Fig. 8; CL22, L53-57; CL27, L11-14);

sending the first systems manager page via the host server system to the prospective client system in response to the second request (Fig. 8; CL27, L11-14; Fig. 9; CL28, L22-29),

the first systems manager page having at least one input field that the prospective client can input a hypothetical value for configuring the virtual server service (Fig. 9; Item 386).

Per Claim 13: LU teaches receiving a second request from the prospective client system after sending the simulated control window, the second request being a request to send a first systems manager page of a first demonstration component of the simulated control window (Fig. 7, Item 352; Fig. 8; CL22, L53-57; CL27, L11-14);

sending the first systems manager page via the host server system to the prospective client system in response to the second request (Fig. 8; CL27, L11-14; Fig. 9; CL28, L22-29),

the first systems manager page having at least one pull down menu having a plurality a choices from which the prospective client can select a hypothetical value for configuring the virtual server service (Fig. 10; Item 402; Fig. 11, Item 424).

6.3 As per claim 15, LU teaches a method of demonstrating a virtual server service that provides use of a host server system to a plurality of clients over a computer network (Abstract, CL1, L18-23); the method comprising:

under control of a prospective client system, sending a first request to the host server for demonstrating the virtual server service (Fig 3, Item 360; Fig. 5); and

displaying at the prospective client system a simulated control window of the virtual server service received from the host server system in response to the first request from the prospective client system (Fig 7; Fig. 8),

the simulated control window having a plurality of demonstration components that simulate corresponding administration components of an active control window of the virtual server service (Fig 3; Fig. 8).

Per Claim 16: LU teaches sending a second request from the prospective client system after receiving the simulated control window, the second request being a request to receive a first systems manager page of a first demonstration component of the simulated control window (Fig. 7, Item 352; Fig. 8; CL22, L53-57; CL27, L11-14);

displaying the first systems manager page at the prospective client system in response to the second request (Fig. 8; CL27, L11-14; Fig. 9; CL28, L22-29); and

the first systems manager page having at least one first element that can be selected by the prospective client to send another request to the host server system for another web page related to the first systems manager page (CL27, L15-19; Fig. 9; CL28, L22-29).

Per Claim 17: LU teaches sending a second request from the prospective client system after receiving the simulated control window, the second request being a request to receive a first systems manager page of a first demonstration component of the simulated control window (Fig. 7, Item 352; Fig. 8; CL22, L53-57; CL27, L11-14);

displaying the first systems manager page at the prospective client system in response to the second request (Fig. 8; CL27, L11-14; Fig. 9; CL28, L22-29); and

the first systems manager page having at least one input field that the prospective client can input a hypothetical value for configuring the virtual server service (Fig. 9; Item 386).

Per Claim 18: LU teaches sending a second request from the prospective client system after receiving the simulated control window, the second request being a request to receive a first systems manager page of a first demonstration component of the simulated control window (Fig. 7, Item 352; Fig. 8; CL22, L53-57; CL27, L11-14);

displaying the first systems manager page at the prospective client system in response to the second request (Fig. 8; CL27, L11-14; Fig. 9; CL28, L22-29); and

the first systems manager page having at least one pull down menu having a plurality a choices from which the prospective client can select a hypothetical value for configuring the virtual server service (Fig. 10; Item 402; Fig. 11, Item 424).

Art Unit: 2123

6.4 As per claim 15, LU teaches a computer-readable medium having contents that cause a computer system to demonstrate a virtual server service that provides use of a host server to a plurality of clients over a computer network (Fig. 4; Abstract, CL1, L18-23); by:

 sending an active control window of an active account of the virtual server service from the host server to an active client system in response to an active request from the active client system (Fig. 5; CL2, L51-57); and

 sending a simulated control window of the virtual server service to a prospective client system that does not have access to an active account in response to a request received at the host server from a prospective client to demonstrate the virtual server to service (Fig 7; Fig. 8; CL2, L28-31).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.

Art Unit: 2123

3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. Claims 5-8, 14 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ludovici et al. (LU)** (U.S. Patent 6,567,849) in view of **Rieger, III (RI)** (U.S. Patent 6,654,800), and further in view of **Carlson (CA)** (U.S. Patent 6,697,849), **Forbes et al. (FO)** (U.S. Patent application 2001/0029605), **Reisman (RE)** (U.S. Patent application 2002/0124055) and **Kloba et al. (KL)** (U.S. Patent 6,553,412).

9.1 As per Claim 5, **LU** teaches the method of claim 1. **LU** teaches the demonstration components of the simulated control window (Fig 9; CL28, L31-35); wherein the method further includes:

receiving a second request from the prospective client system after sending the simulated control window to the prospective client system, the second request being generated from the prospective client system by selection of one of the demonstration components (Fig. 9; CL28, L31-35); and

sending a selected systems manager page to the prospective client system in response to the second request, the selected systems manager page corresponding to the selected demonstration component (Fig. 9; CL28, L31-35).

LU does not expressly teach that the demonstration components of the simulated control window comprise an email manager component, a user manager component, and a web manager

Art Unit: 2123

component. **RI** teaches that the demonstration components of the simulated control window comprise an email manager component, a user manager component and a web manager component (Fig. 1; CL6, L16-56), as the email manager detects the presence of newly generated emails and sends email to relevant users (CL6, L53-56); the user manager component stores and retrieves the user account information on demand from the client terminal GUI (CL6, L38-39); and the web manager component manages the web's intended service area (CL6, L24-25). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify the method of **LU** with the method of **RI** that included the demonstration components of the simulated control window comprising an email manager component, a user manager component and a web manager component, as the email manager would detect the presence of newly generated emails and sends email to relevant users; the user manager component would store and retrieve the user account information on demand from the client terminal GUI; and the web manager component would manage the web's intended service area.

LU does not expressly teach that the demonstration components of the simulated control window comprise a server status component and an event manager component. **CA** teaches that the demonstration components of the simulated control window comprise a server status component (CL17, L63 to CL18, L4) and an event manager component (CL31, L24-25; CL32, L35-36; CL32, L46-47), as the server status component allows the client to run a thread that maintains the application server status, polls the servers marked as being offline and then when the server becomes online, it updates the server status information and enables it to receive client requests (CL17, L63 to CL18, L4); and the event manager component allows the users to create and use named events such as periodic backups, reconciling accounts, sending alert messages

Art Unit: 2123

etc. (CL30, L13-25). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify the method of LU with the method of CA that included the demonstration components of the simulated control window comprising a server status component and an event an event manager component, as the server status component would allow the client to run a thread that maintained the application server status, polled the servers marked as being offline and then when the server became online, it would update the server status information and enable it to receive client requests; and the event manager component would allow the users to create and use named events such as periodic backups, reconciling accounts, sending alert messages etc.

LU does not expressly teach that the demonstration components of the simulated control window comprise a software manager component. FO teaches that the demonstration components of the simulated control window comprise a software manager component (Abstract; Page 9, Para 0093), as the software manager component manages the installation, execution and uninstallation of software packages on the server (Abstract; Page 9, Para 0093). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify the method of LU with the method of FO that included the demonstration components of the simulated control window comprising a software manager component, as the software manager component would manage the installation, execution and uninstallation of software packages on the server.

LU does not expressly teach that the demonstration components of the simulated control window comprise a file manager component. RE teaches that the demonstration components of the simulated control window comprise a file manager component (Page 28; Para 0035), as the

Art Unit: 2123

file manager component allows an explicit specification of the desired content known to exist on the web using the file manager, thus providing for time optimized selection process to economize connection charges (Page 28; Para 0035). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify the method of **LU** with the method of **RE** that included the demonstration components of the simulated control window comprising a file manager component, as the file manager component would allow an explicit specification of the desired content known to exist on the web using the file manager, thus providing for time optimized selection process to economize connection charges.

LU does not expressly teach that the demonstration components of the simulated control window comprise a database manager component. **KL** teaches that the demonstration components of the simulated control window comprise a database manager component (CL12, L5-10; CL11, L3-8), as the database manager controls access to databases associated with the client (CL6, L53-56). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify the method of **LU** with the method of **KL** that included the demonstration components of the simulated control window comprising a database manager component, as the database manager would control access to databases associated with the client.

9.2 As per Claim 6, **LU**, **RI**, **CA**, **FO**, **RE** and **KL** teach the method of claim 5. **LU** does not expressly teach that the event manager component is a URL link to an event manager web page comprising a first element for hypothetically selecting tasks to be automatically performed by the server for the virtual server service, a second element for hypothetically running selected tasks at a scheduled time, and a third element for hypothetically changing a virtual time zone, and

Art Unit: 2123

wherein sending a systems manager page comprises sending the event manager page to the prospective client. CA teaches that the event manager component is a URL link to an event manager web page comprising a first element for hypothetically selecting tasks to be automatically performed by the server for the virtual server service, a second element for hypothetically running selected tasks at a scheduled time, and a third element for hypothetically changing a virtual time zone, and wherein sending a systems manager page comprises sending the event manager page to the prospective client (CL31, L24-25; CL32, L35-36; CL32, L46-47), as the event manager component allows the users to create and execute named events such as periodic backups, reconciling accounts, sending alert messages etc. (CL30, L13-25). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify the method of LU with the method of CA that included the event manager component being a URL link to an event manager web page comprising a first element for hypothetically selecting tasks to be automatically performed by the server for the virtual server service, a second element for hypothetically running selected tasks at a scheduled time, and a third element for hypothetically changing a virtual time zone, and wherein sending a systems manager page comprised sending the event manager page to the prospective client, as the event manager component would allow the users to create and execute named events such as periodic backups, reconciling accounts, sending alert messages etc.

9.3 As per Claim 7, LU, RI, CA, FO, RE and KL teach the method of claim 5. LU does not expressly teach that the software manager component is a URL link to a software manager web page comprising a first listing of hypothetically installed software packages, a second listing of

Art Unit: 2123

hypothetically available software packages, a first element for hypothetically selecting the installed software packages, and a second element for selecting the available software packages, and wherein sending a systems manager page comprises sending the software manager page to the prospective client. **FO** teaches that the software manager component is a URL link to a software manager web page comprising a first listing of hypothetically installed software packages, a second listing of hypothetically available software packages, a first element for hypothetically selecting the installed software packages, and a second element for selecting the available software packages, and wherein sending a systems manager page comprises sending the software manager page to the prospective client (Abstract; Page 9, Para 0093; Fig. 2A, Item 211), as the software manager component allows management of the installation, execution and uninstallation of software packages on the server (Abstract; Page 9, Para 0093). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify the method of **LU** with the method of **FO** that included the software manager component being a URL link to a software manager web page comprising a first listing of hypothetically installed software packages, a second listing of hypothetically available software packages, a first element for hypothetically selecting the installed software packages, and a second element for selecting the available software packages, and wherein sending a systems manager page would comprise sending the software manager page to the prospective client, as the software manager component would allow management of the installation, execution and uninstallation of software packages on the server.

Art Unit: 2123

9.4 As per Claim 8, **LU**, **RI**, **CA**, **FO**, **RE** and **KL** teach the method of claim 7. **LU** does not expressly teach receiving a third request from the prospective client system to view a first software package page of a specific software package in response to the prospective client selecting the second element of the software manager page; and sending the first software package page via the host server system to the client system, the first software package page having a selector for hypothetically installing the specific software package. **FO** teaches receiving a third request from the prospective client system to view a first software package page of a specific software package in response to the prospective client selecting the second element of the software manager page; and sending the first software package page via the host server system to the client system, the first software package page having a selector for hypothetically installing the specific software package (Abstract; Page 9, Para 0093; Fig. 2A, Item 211), as that allows management of the installation, execution and uninstallation of software packages on the server (Abstract; Page 9, Para 0093). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify the method of **LU** with the method of **FO** that included receiving a third request from the prospective client system to view a first software package page of a specific software package in response to the prospective client selecting the second element of the software manager page; and sending the first software package page via the host server system to the client system, the first software package page having a selector for hypothetically installing the specific software package, as that would allow management of the installation, execution and uninstallation of software packages on the server.

Art Unit: 2123

9.5 As per Claim 14, **LU** teaches the method of claim 10. **LU** teaches the demonstration components of the simulated control window (Fig 9; CL28, L31-35); wherein the method further includes:

receiving a second request from the prospective client system after sending the simulated control window to the prospective client system, the second request being generated from the prospective client system by selection of one of the demonstration components (Fig. 9; CL28, L31-35); and

sending a selected systems manager page to the prospective client system in response to the second request, the selected systems manager page corresponding to the selected demonstration component (Fig. 9; CL28, L31-35).

LU does not expressly teach that the demonstration components of the simulated control window comprise an email manager component, a user manager component, and a web manager component. **RI** teaches that the demonstration components of the simulated control window comprise an email manager component, a user manager component and a web manager component (Fig. 1; CL6, L16-56), as the email manager detects the presence of newly generated emails and sends email to relevant users (CL6, L53-56); the user manager component stores and retrieves the user account information on demand from the client terminal GUI (CL6, L38-39); and the web manager component manages the web's intended service area (CL6, L24-25). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify the method of **LU** with the method of **RI** that included the demonstration components of the simulated control window comprising an email manager component, a user manager

Art Unit: 2123

component and a web manager component, as the email manager would detect the presence of newly generated emails and sends email to relevant users; the user manager component would store and retrieve the user account information on demand from the client terminal GUI; and the web manager component would manage the web's intended service area.

LU does not expressly teach that the demonstration components of the simulated control window comprise a server status component and an event manager component. CA teaches that the demonstration components of the simulated control window comprise a server status component (CL17, L63 to CL18, L4) and an event manager component (CL31, L24-25; CL32, L35-36; CL32, L46-47), as the server status component allows the client to run a thread that maintains the application server status, polls the servers marked as being offline and then when the server becomes online, it updates the server status information and enables it to receive client requests (CL17, L63 to CL18, L4); and the event manager component allows the users to create and use named events such as periodic backups, reconciling accounts, sending alert messages etc. (CL30, L13-25). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify the method of LU with the method of CA that included the demonstration components of the simulated control window comprising a server status component and an event an event manager component, as the server status component would allow the client to run a thread that maintained the application server status, polled the servers marked as being offline and then when the server became online, it would update the server status information and enable it to receive client requests; and the event manager component would allow the users to create and use named events such as periodic backups, reconciling accounts, sending alert messages etc.

Art Unit: 2123

LU does not expressly teach that the demonstration components of the simulated control window comprise a software manager component. **FO** teaches that the demonstration components of the simulated control window comprise a software manager component (Abstract; Page 9, Para 0093), as the software manager component manages the installation, execution and uninstallation of software packages on the server (Abstract; Page 9, Para 0093). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify the method of **LU** with the method of **FO** that included the demonstration components of the simulated control window comprising a software manager component, as the software manager component would manage the installation, execution and uninstallation of software packages on the server.

LU does not expressly teach that the demonstration components of the simulated control window comprise a file manager component. **RE** teaches that the demonstration components of the simulated control window comprise a file manager component (Page 28; Para 0035), as the file manager component allows an explicit specification of the desired content known to exist on the web using the file manager, thus providing for time optimized selection process to economize connection charges (Page 28; Para 0035). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify the method of **LU** with the method of **RE** that included the demonstration components of the simulated control window comprising a file manager component, as the file manager component would allow an explicit specification of the desired content known to exist on the web using the file manager, thus providing for time optimized selection process to economize connection charges.

LU does not expressly teach that the demonstration components of the simulated control window comprise a database manager component. **KL** teaches that the demonstration components of the simulated control window comprise a database manager component (CL12, L5-10; CL11, L3-8), as the database manager controls access to databases associated with the client (CL6, L53-56). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify the method of **LU** with the method of **KL** that included the demonstration components of the simulated control window comprising a database manager component, as the database manager would control access to databases associated with the client.

9.6 As per Claim 19, **LU** teaches the method of claim 10. **LU** teaches the demonstration components of the simulated control window (Fig 9; CL28, L31-35); wherein the method further includes:

sending a second request from the prospective client system after receiving the simulated control window to the prospective client system, the second request being generated from the prospective client system by selection of one of the demonstration components (Fig. 9; CL28, L31-35); and

displaying a selected systems manager page at the prospective client system in response to the second request, the selected systems manager page corresponding to the selected demonstration component (Fig. 9; CL28, L31-35).

LU does not expressly teach that the demonstration components of the simulated control window comprise an email manager component, a user manager component, and a web manager

Art Unit: 2123

component. **RI** teaches that the demonstration components of the simulated control window comprise an email manager component, a user manager component and a web manager component (Fig. 1; CL6, L16-56), as the email manager detects the presence of newly generated emails and sends email to relevant users (CL6, L53-56); the user manager component stores and retrieves the user account information on demand from the client terminal GUI (CL6, L38-39); and the web manager component manages the web's intended service area (CL6, L24-25). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify the method of **LU** with the method of **RI** that included the demonstration components of the simulated control window comprising an email manager component, a user manager component and a web manager component, as the email manager would detect the presence of newly generated emails and sends email to relevant users; the user manager component would store and retrieve the user account information on demand from the client terminal GUI; and the web manager component would manage the web's intended service area.

LU does not expressly teach that the demonstration components of the simulated control window comprise a server status component and an event manager component. **CA** teaches that the demonstration components of the simulated control window comprise a server status component (CL17, L63 to CL18, L4) and an event manager component (CL31, L24-25; CL32, L35-36; CL32, L46-47), as the server status component allows the client to run a thread that maintains the application server status, polls the servers marked as being offline and then when the server becomes online, it updates the server status information and enables it to receive client requests (CL17, L63 to CL18, L4); and the event manager component allows the users to create and use named events such as periodic backups, reconciling accounts, sending alert messages

Art Unit: 2123

etc. (CL30, L13-25). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify the method of **LU** with the method of **CA** that included the demonstration components of the simulated control window comprising a server status component and an event an event manager component, as the server status component would allow the client to run a thread that maintained the application server status, polled the servers marked as being offline and then when the server became online, it would update the server status information and enable it to receive client requests; and the event manager component would allow the users to create and use named events such as periodic backups, reconciling accounts, sending alert messages etc.

LU does not expressly teach that the demonstration components of the simulated control window comprise a software manager component. **FO** teaches that the demonstration components of the simulated control window comprise a software manager component (Abstract; Page 9, Para 0093), as the software manager component manages the installation, execution and uninstallation of software packages on the server (Abstract; Page 9, Para 0093). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify the method of **LU** with the method of **FO** that included the demonstration components of the simulated control window comprising a software manager component, as the software manager component would manage the installation, execution and uninstallation of software packages on the server.

LU does not expressly teach that the demonstration components of the simulated control window comprise a file manager component. **RE** teaches that the demonstration components of the simulated control window comprise a file manager component (Page 28; Para 0035), as the

Art Unit: 2123

file manager component allows an explicit specification of the desired content known to exist on the web using the file manager, thus providing for time optimized selection process to economize connection charges (Page 28; Para 0035). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify the method of **LU** with the method of **RE** that included the demonstration components of the simulated control window comprising a file manager component, as the file manager component would allow an explicit specification of the desired content known to exist on the web using the file manager, thus providing for time optimized selection process to economize connection charges.

LU does not expressly teach that the demonstration components of the simulated control window comprise a database manager component. **KL** teaches that the demonstration components of the simulated control window comprise a database manager component (CL12, L5-10; CL11, L3-8), as the database manager controls access to databases associated with the client (CL6, L53-56). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify the method of **LU** with the method of **KL** that included the demonstration components of the simulated control window comprising a database manager component, as the database manager would control access to databases associated with the client.

10. Claims 20-22, 25, 27, 28 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ludovici et al. (LU)** (U.S. Patent 6,567,849) in view of **Rieger, III (RI)** (U.S. Patent 6,654,800).

Art Unit: 2123

10.1 As per claim 20, LU teaches a system for demonstrating a computerized transaction to a prospective client (Fig. 4); comprising:

a computer having a central processing unit that executes instructions to construct and transmit active account messages and demonstration messages (Fig. 4), a memory for storing instructions to be executed, and a non-volatile storage medium (Fig. 4; Fig. 6);

an active account control window having a plurality of active account messages containing system administration components that an active client can use to effectuate a computerized transaction (Fig 12; Fig 9);

a demonstration module stored on the non-volatile storage medium, the demonstration module having a plurality of demonstration messages containing demonstration components that simulate corresponding system administration components of the active account control window (Fig 9; CL28, L31-35); and

instructions stored in the memory of the computer that cause the central processor to retrieve a demonstration message from the demonstration module in response to a request from a prospective client without first setting up an active trial account for the prospective client (Fig 12; CL35, L18 to CL36, L39), and

transmit the retrieved demonstration message to a prospective client system of the prospective client using a transmission medium ((Fig 12; CL35, L18 to CL36, L39).

LU does not expressly teach an active account module stored on the non-volatile storage medium, the active account module having an active account database containing data for active clients. RI teaches an active account module stored on the non-volatile storage medium, the

Art Unit: 2123

active account module having an active account database containing data for active clients (Fig. 1; CL6, L16-56), as the active account module stores and retrieves the user account information on demand from the client terminal GUI (CL6, L38-39). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify the system of LU with the system of RI that included an active account module stored on the non-volatile storage medium, the active account module having an active account database containing data for active clients, as the active account module would store and retrieve the user account information on demand from the client terminal GUI.

Per claim 21: LU teaches that the active account messages comprise a plurality of dynamic web pages that provide active tools for sending instructions to the computer to effectuate the computerized transaction (Fig 12; CL35, L18 to CL36, L39); and

the demonstration messages comprise static web pages that provide replicas of the active account web pages and replicas of the active tools that do not provide instructions to effectuate the computerized transaction (Fig 12; CL35, L18 to CL36, L39).

Per claim 22: LU teaches that the computerized transaction is providing a virtual server service to resellers for configuring a virtual server via a computer network (Fig 9; Fig. 10; CL28, L22-37; CL30, L27-35); and wherein:

the system administration messages comprise a plurality of dynamic web pages that provide active tools for sending instructions to the computer to configure the virtual server service of the active client (Fig 12; CL35, L18 to CL36, L39); and

Art Unit: 2123

the demonstration messages comprise static web pages that provide replicas of the active account web pages and replicas of the active tools, the replicas of the active tools being disabled from sending instructions to the computer to configure the virtual server service (Fig 12; CL35, L18 to CL36, L39).

10.2 As per Claim 25, **LU** and **RI** teach the system of claim 22. **LU** does not expressly teach that the demonstration messages comprise an email manager web page having an element to hypothetically control an email unit of the virtual server service. **RI** teaches that the demonstration messages comprise an email manager web page having an element to hypothetically control an email unit of the virtual server service (Fig. 1; CL6, L53-56), as the email manager detects the presence of newly generated emails and sends email to relevant users (CL6, L53-56). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify the system of **LU** with the system of **RI** that included the demonstration messages comprising an email manager web page having an element to hypothetically control an email unit of the virtual server service, as the email manager would detect the presence of newly generated emails and sends email to relevant users.

10.3 As per claim 27, **LU** teaches a virtual server service system for providing a virtual server service to an active client (Fig. 4); comprising:

a host server having a central processing unit that executes instructions to construct and transmit active account messages and demonstration messages (Fig. 4), a memory for storing instructions to be executed, and a non-volatile storage medium (Fig. 4; Fig. 6);

an active account control window having a plurality of active account messages containing system administration components that the active client can use to configure the virtual server service in a desired configuration (Fig 12; Fig 9);

a demonstration module stored on the non-volatile storage medium, the demonstration module having a plurality of demonstration messages containing demonstration components that simulate corresponding system administration components of the active account control window (Fig 9; CL28, L31-35); and

instructions stored in the memory of the computer that cause the central processor to retrieve a demonstration message from the demonstration module in response to a request from a prospective client without first setting up an active trial account for the prospective client (Fig 12; CL35, L18 to CL36, L39), and

transmit the retrieved demonstration message to a prospective client system of the prospective client using a transmission medium ((Fig 12; CL35, L18 to CL36, L39).

LU does not expressly teach an active account module stored on the non-volatile storage medium, the active account module having an active account database containing data for active clients. RI teaches an active account module stored on the non-volatile storage medium, the active account module having an active account database containing data for active clients (Fig. 1; CL6, L16-56), as the active account module stores and retrieves the user account information on demand from the client terminal GUI (CL6, L38-39). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify the system of LU with the system of RI that included an active account module stored on the non-volatile storage medium,

Art Unit: 2123

the active account module having an active account database containing data for active clients, as the active account module would store and retrieve the user account information on demand from the client terminal GUI.

10.4 As per Claim 28, **LU** and **RI** teach the system of claim 27. **LU** teaches that the system administration messages comprise a plurality of dynamic web pages that provide active tools for sending instructions to the computer to configure the virtual server service of the active client (Fig 12; CL35, L18 to CL36, L39); and

the demonstration messages comprise static web pages that provide replicas of the active account web pages and replicas of the active tools, the replicas of the active tools being disabled from sending instructions to the computer to configure the virtual server service (Fig 12; CL35, L18 to CL36, L39).

10.5 As per Claim 31, **LU** and **RI** teach the system of claim 27. **LU** does not expressly teach that the demonstration messages comprise an email manager web page having an element to hypothetically control an email unit of the virtual server service. **RI** teaches that the demonstration messages comprise an email manager web page having an element to hypothetically control an email unit of the virtual server service (Fig. 1; CL6, L53-56), as the email manager detects the presence of newly generated emails and sends email to relevant users (CL6, L53-56). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify the system of **LU** with the system of **RI** that included the demonstration messages comprising an email manager web page having an element to

Art Unit: 2123

hypothetically control an email unit of the virtual server service, as the email manager would detect the presence of newly generated emails and sends email to relevant users.

11. Claims 23 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ludovici et al. (LU)** (U.S. Patent 6,567,849) in view of **Rieger, III (RI)** (U.S. Patent 6,654,800), and further in view of **Carlson (CA)** (U.S. Patent 6,697,849).

11.1 As per Claim 23, **LU** and **RI** teach the system of claim 22. **LU** does not expressly teach that the demonstration messages comprise an event manager web page having an element to hypothetically control an event of the virtual server service. **CA** teaches that the demonstration messages comprise an event manager web page having an element to hypothetically control an event of the virtual server service (CL31, L24-25; CL32, L35-36; CL32, L46-47), as the event manager component allows the users to create and use named events such as periodic backups, reconciling accounts, sending alert messages etc. (CL30, L13-25). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify the system of **LU** with the system of **CA** that included the demonstration messages comprising an event manager web page having an element to hypothetically control an event of the virtual server service, as the event manager component would allow the users to create and use named events such as periodic backups, reconciling accounts, sending alert messages etc.

11.2 As per Claim 29, **LU** and **RI** teach the system of claim 27. **LU** does not expressly teach that the demonstration messages comprise an event manager web page having an element to

Art Unit: 2123

hypothetically control an event of the virtual server service. **CA** teaches that the demonstration messages comprise an event manager web page having an element to hypothetically control an event of the virtual server service (CL31, L24-25; CL32, L35-36; CL32, L46-47), as the event manager component allows the users to create and use named events such as periodic backups, reconciling accounts, sending alert messages etc. (CL30, L13-25). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify the system of **LU** with the system of **CA** that included the demonstration messages comprising an event manager web page having an element to hypothetically control an event of the virtual server service, as the event manager component would allow the users to create and use named events such as periodic backups, reconciling accounts, sending alert messages etc.

12. Claims 24 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ludovici et al. (LU)** (U.S. Patent 6,567,849) in view of **Rieger, III (RI)** (U.S. Patent 6,654,800), and further in view of **Forbes et al. (FO)** (U.S. Patent application 2001/0029605).

12.1 As per Claim 24, **LU** and **RI** teach the system of claim 22. **LU** does not expressly teach that the demonstration messages comprise a software manager web page having an element to hypothetically install and/or uninstall a software package of the virtual server service. **FO** teaches that the demonstration messages comprise a software manager web page having an element to hypothetically install and/or uninstall a software package of the virtual server service (Abstract; Page 9, Para 0093), as the software manager component manages the installation, execution and uninstallation of software packages on the server (Abstract; Page 9, Para 0093). It

Art Unit: 2123

would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify the system of **LU** with the system of **FO** that included the demonstration messages comprising a software manager web page having an element to hypothetically install and/or uninstall a software package of the virtual server service, as the software manager component would manage the installation, execution and uninstallation of software packages on the server.

12.2 As per Claim 30, **LU** and **RI** teach the system of claim 27. **LU** does not expressly teach that the demonstration messages comprise a software manager web page having an element to hypothetically install and/or uninstall a software package of the virtual server service. **FO** teaches that the demonstration messages comprise a software manager web page having an element to hypothetically install and/or uninstall a software package of the virtual server service (Abstract; Page 9, Para 0093), as the software manager component manages the installation, execution and uninstallation of software packages on the server (Abstract; Page 9, Para 0093). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify the system of **LU** with the system of **FO** that included the demonstration messages comprising a software manager web page having an element to hypothetically install and/or uninstall a software package of the virtual server service, as the software manager component would manage the installation, execution and uninstallation of software packages on the server.

13. Claims 26 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ludovici et al. (LU)** (U.S. Patent 6,567,849) in view of **Rieger, III (RI)** (U.S. Patent 6,654,800), and further in view of **Kloba et al. (KL)** (U.S. Patent 6,553,412).

13.1 As per Claim 26, **LU** and **RI** teach the system of claim 22. **LU** does not expressly teach that the demonstration messages comprise a database manager web page having an element to hypothetically control a database of the virtual server service. **KL** teaches that the demonstration messages comprise a database manager web page having an element to hypothetically control a database of the virtual server service (CL12, L5-10; CL11, L3-8), as the database manager controls access to databases associated with the client (CL6, L53-56). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify the system of **LU** with the system of **KL** that included the demonstration messages comprising a database manager web page having an element to hypothetically control a database of the virtual server service, as the database manager would control access to databases associated with the client.

13.2 As per Claim 32, **LU** and **RI** teach the system of claim 27. **LU** does not expressly teach that the demonstration messages comprise a database manager web page having an element to hypothetically control a database of the virtual server service. **KL** teaches that the demonstration messages comprise a database manager web page having an element to hypothetically control a database of the virtual server service (CL12, L5-10; CL11, L3-8), as the database manager controls access to databases associated with the client (CL6, L53-56). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify the system of **LU** with the system of **KL** that included the demonstration messages comprising a database manager web page having an element to hypothetically control a database of the virtual

Art Unit: 2123

server service, as the database manager would control access to databases associated with the client.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to the Applicants' disclosure.

The following patents and papers are cited to further show the state of the art at the time of Applicant's invention with respect to demonstrating virtual server service to prospective clients:

1. Skene et al., "Method and system for balancing load distribution on a wide area network", U.S. Patent application 2001/0049741, December 2001.
2. Barry et al., "Integrated customer interface for web based data management", U.S. Patent 6,615,258, September 2003.
3. Dantressangle, "Configurable stresser for a web server", U.S. Patent 6,446,120, September 2002.
4. Conti et al., "Method and apparatus for web based control of a web based workload simulation", U.S. Patent 6,522,995, February 2003.
5. Kekic et al., "Client server computer network management architecture", U.S. Patent 6,664,978, December 2003.

Art Unit: 2123

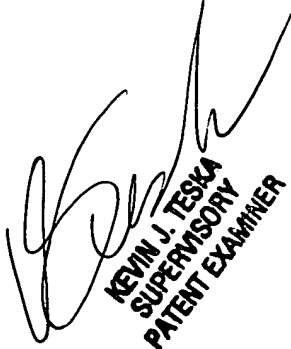
6. Kasuda et al., "System for coordinating communication between a terminal ... accessing one of the plurality of servers ...", U.S. Patent 6,567,848, may 2003.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Kandasamy Thangavelu whose telephone number is 703-305-0043. The examiner can normally be reached on Monday through Friday from 8:00 AM to 5:30 PM.

If attempts to reach examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Teska, can be reached on (703) 305-9704. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-9600.

K. Thangavelu
Art Unit 2123
March 11, 2004



KEVIN J. TESKA
SUPERVISORY
PATENT EXAMINER